

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Benedictus et al. Docket No.: 8674.011.US0000
Application No.: 10/642,507 Examiner: MORILLO
Filed: 11/30/2007 Art Unit: 1793
Customer No.: 77213 Confirmation No.: 1687
For: HIGH DAMAGE TOLERANT Al-Cu ALLOY

RULE 1.501 STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit a copy of "Metals Handbook Desk Edition: 2nd ed., ASM International, 1998, pages 445-446 and a Form PTO-SB08 listing this reference. A Rule 1.501 Statement filed August 22, 2008 included a copy of a Mar. 27, 2006 Office action against US pat. app. no. 10/642,518 (US Published Patent App. No. 2004/01112480 to Benedictus et al), sharing common inventorship with the present application. However, the reference, "Metals Handbook Desk Edition: 2nd ed., ASM International, 1998, pages 445-446 cited in the March 27, 2006 Office action was inadvertently omitted.

Page 5 of the March 27, 2006 Office action for US patent app. no. 10/642,518 concisely described the thick Al-Cu plate teaching of the Metals Handbook Desk Edition reference and used this as a secondary reference against dependent claim 31 reciting 25 to 50 mm thick sheet product. US 6562154 to Rioja was the primary reference.

The present issued patent contains claim 22 also reciting 25 to 50 mm thick alloy product. During prosecution, this claim (claim 28 during prosecution) was rejected based on Rioja alone (See Office action of March 22, 2007).

Respectfully submitted,

/anthony p venturino/

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